

Ref. No. 24143.005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----  
WATERFORD WEDGWOOD PLC,

Petitioner,

vs.

TOB INTERNATIONAL MARKETING CORP.

Registrant.  
-----

76/978,460  
Cancellation No. 92048654

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MOTION FOR DISMISSAL FOR FAILURE TO TAKE TESTIMONY**

MOTION

Pursuant to Trademark Rule 2.132(a), Registrant hereby moves for dismissal of this Cancellation on the ground of the failure of the Petitioner to prosecute.

MEMORANDUM

Registrant's motion for dismissal should be granted because Petitioner has failed to submit any evidence in support of its Petition by the close of Plaintiff's Trial Period, which ended on



05-15-2009

April 28, 2009. In addition, Petitioner had failed to serve its Pretrial Disclosures, which were due March 14, 2009. In the event that this motion is denied, Registrant requests that its testimony period be reset.

Dated: New York, New York  
May 12, 2009

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Registrant

By:

  
Baila H. Celedonia

1133 Avenue of the Americas  
New York, New York 10036  
(212) 790-9203

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 11, 2009, I caused a copy of the foregoing MOTION FOR DISMISSAL FOR FAILURE TO TAKE TESTIMONY to be sent via First Class Mail, postage paid, to Bassam N. Ibrahim, Buchanan Ingersoll & Rooney, P.C., 1737 King Street, Suite 500, Alexandria, Virginia 22314-2727.

Kurtis H. H. H.